

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD KEAL and DEBORAH KEAL,

Plaintiffs,

v.

STATE OF WASHINGTON,
DEPARTMENT OF CORRECTIONS,
HAROLD CLARK, STEVE RAMSEY,
CLALLAM BAY CORRECTION CENTER,
SANDRA CARTER, *et al.*,

Defendants.

CASE NO. C05-5737RJB

ORDER ADOPTING REPORT
AND RECOMMENDATION
AND GRANTING IN PART AND
DENYING IN PART
DEFENDANTS' MOTION FOR
JUDGMENT ON THE
PLEADINGS

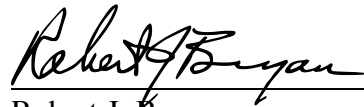
This matter comes before the court on the Report and Recommendation (Dkt. 162). The court has considered the Report and Recommendation and the file herein. It is hereby

ORDERED:

- (1) The court adopts the Report and Recommendation (Dkt. 162-1).
- (2) The Motion for Judgment on the Pleadings (Dkt. 137) is **GRANTED IN PART** and **DENIED IN PART** as follows:
- (3) With respect to the plaintiffs' claims against the State of Washington, the Department of Corrections, the Clallam Bay Corrections Center, the Stafford Creek Corrections Center, and the Washington State Penitentiary, the motion is **GRANTED**, and these claims are **DISMISSED**.
- (4) Ms. Keal's claims are limited to the issue of denial of visitation with her husband.
- (5) With respect to the plaintiffs' claims against defendants Joseph, Hayter, Long, McElravy, Signor, and Waddington, the motion is **DENIED**.

- 1 (6) With respect to the plaintiffs' claims against defendants Rima, Hartford, Richard
2 Morgan, Sharon Morgan, Carter, Clarke, Vail, and Mason, the motion is
DENIED;
- 3 (7) With respect to the plaintiffs' fourth, fifth, seventh, eighth, eleventh, twelfth,
4 fourteenth, and fifteenth causes of action, the motion is **GRANTED** for failure to
exhaust or failure to state a claim;
- 5 (8) With respect to defendants Rima, Hartford, Richard Morgan, Sharon Morgan,
6 Carter, Clarke, Vail, and Mason and to the plaintiffs' court access claims, the
7 plaintiffs shall have until October 27, 2006, to file an amended complaint to serve
8 as a complete substitute for the original and not as a supplement. Such amended
9 complaint may not name any new defendants or raise new issues. Plaintiffs will use
the form provided for a prisoner civil rights action. If the plaintiffs fail to file an
amended complaint with a viable right of court access claim and viable claims
against these defendants, the plaintiffs' court access claim and all claims against
these defendants will be dismissed without prejudice.
- 10 (9) The Clerk is directed to send copies of this Order to plaintiffs, counsel for any
11 defendants who have appeared, and to the Hon. J. Kelley Arnold.
- 12 (10) This matter is **RE-REFERRED** to the Hon. J. Kelley Arnold.

13 DATED this 26th day of September, 2006.

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16 Robert J. Bryan
17 United States District Judge
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